

2011), for the reasons set forth in the Memorandum dated September 22, 2011, **IT IS ORDERED** that defendant Silverback Artist Management's Motion for Summary Judgment (Document Nos. 59, 65, and 70) is **DENIED**.

IT IS FURTHER ORDERED that, for the reasons stated in the Memorandum dated September 22, 2011, the Motion for Partial Summary Judgment of Silverback Artist Management (Document Nos. 60, 66, and 71) on the issue of punitive damages is **DENIED** without prejudice to the right of the said defendant to raise the issue of punitive damages by motion for a judgment as a matter of law under Fed. R. Civ. P. 50 at the close of plaintiff's case-in-chief. Until the Court rules on any such motion, neither party will be permitted to reference punitive damages or punishing defendant Silverback Artist Management in the presence of the jury, nor will either party be permitted to mention Silverback Artist Management's financial condition in the presence of the jury. However, Silverback Artist Management shall be prepared to produce evidence of its net worth at the conclusion of plaintiff's case-in-chief in the event the Court rules that the issue of punitive damages should be submitted to the jury.

BY THE COURT:

____/s/ **Hon. Jan. E. DuBois**__

JAN E. DUBOIS, J.